

Complaint for Violation of Civil Rights (Non-Prisoner)

## UNITED STATES DISTRICT COURT

for the

District of \_\_\_\_\_

Division \_\_\_\_\_

Eshanti Linae Joseph

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

August Benavita  
Paul Damico, Kirk Walker

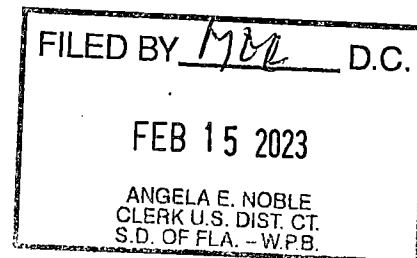
Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

So-2022-CT-02588-AXXX  
(to be filled in by the Clerk's Office) SB

Jury Trial: (check one)

☐ Yes☒ No

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

Eshanti Lance Joseph

15403 W 8th St #1054

Bayside Bch

FL

33426

City

State

Zip Code

Palm Beach

Tel 225 8038

Eshanti.J@gmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Paul Damico

Judge

3228 Gun Club Rd

WPD

FL

33466

City

State

Zip Code

Palm Beach

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Kirk Volker

Judge

200 W Atlantic Ave

Delray Bch

FL

33444

City

State

Zip Code

Palm Beach

☐

Individual capacity

☒

Official capacity

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## Defendant No. 3

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

August Benavita

Judge

205 N Dixie Hwy

WPH

City

FL

State

33401

Zip Code

Palm Beach

☐ Individual capacity
 ☒ Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity
 ☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)  
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

First Amendment retaliation, Speech suppression, False arrest, False imprisonment, Fabrication of evidence, wrongful/malicious prosecution, police brutality/excessive force, Prisoner abuse, illegal search and seizure, right to travel, right to resist unlawful arrest, oppression, 4th Amendment, third Amendment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed. OPPRESSION

18 USC 241- Conspiracy against rights, I was threaten by each Judge to decide whether I was guilty or not. I was told by all Judges that the State and DMV was the injured Party bringing a suit to me and their orders are law. They spoke for the prosecutor.

### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur? DeRay Bach Courthouse  
 1.25.23 Judge Paul Damico First Appearance - no contract between me and courts to give me a public defender. Judge ordered me ~~no~~ Driving order. Judge ordered me to sign all paperwork so I signed under duress. Judge Damico ordered me to check in to DeRay Bach court pay \$10 or I will be violated in back in jail. Judge Damico ordered me to spend a night in jail for not having a home address. See attachment.
- B. What date and approximate time did the events giving rise to your claim(s) occur?  
 1-25-2023 8:30 10:00 am  
 1-30-2023 8:30 am  
 2-6-2023 8:30 am

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?) I was deprived of my rights I suffered personal due to the orders placed by Judge Damico for no driving which stopped me from working and getting my kids back to school and their jobs. Each Judge have played with my freedom and threaten me to obey their orders. I claim harm of trespass by way of: Coercion, harm, extortion/coercion, kidnapping, loss, false police reports, barratry, robbery, lies, administering property without right or consent, threat, force, intimidation, damage, unlawful detainment, debt, slander/defamation, false representation

### III Statement of Claim

A.(2) Judge Kirk Volker on 1.30.23 at 8:30 am in Delray Beach Courthouse first refused to call me by my natural name. Judge Volker and all staff of the Court labeled me as a Sovereign citizen and treated me unfair, by cutting me off when I'm speaking, not answering my questions and asking the prosecutor what they wanted to do. Judge Volker also at one point of court session when I was speaking got up and yelled out "Welp (laughing) I'm going in the back to get coffee someone get Ms Joseph her next court date. Judge Volker also stated when I asked who was the injured party Judge Volker laughed and said the state is the injured party as well as the DMV. When I stated the prosecutor can not be the injured party Judge Volker said yes they can and then dismissed my question and asked the state what did they want to do, and state said take it to trial and posted it to Feb 6 2023 which it was not trial but another disposition of my pleading. Judge Volker went on to the next case where the Sheriff Black Female who refused to give her name and badge number ordered me off the podium and to sit and wait for my next court date. Once she came I asked to speak with Judge Volker because I was not finish asking my questions before he moved to the next, and the Sheriff yelled at me and said I'm not asking him anything and I better leave.

-back

Judge Bonovita called me by Jo Seph, Eshanti when I stood up came up front and corrected him on record who I was on record Judge Bonovita said "Umm I'll recall this case" while the prosecutor ran to the front letting the Judge know that was me. Judge Bonovita began to call all Spanish descendants who needed a translator. My Court was 830 on Summons. The Judge got up after calling all Spanish descendants then said "I'm going on recess" I was not called until 11:30am when there were no one left in the Court room. When we walked in it was full that we had to stand. When Judge Bonovita called me he refused to call me by my natural name. He also refused to answer any of my questions and told me I better be careful with asking a Judge a question, and how he don't have to answer any of my questions. Judge Bonovita asked State what they wanted to do and State said "Judge we have nothing and plus she has a open felony case". I asked the Judge for dismissal without prejudice, and Judge Bonovita said no it don't work like that and how you people do. I asked the Judge can he let me know the best way to do it because I never been in this situation. Judge Bonovita said I have to write it up and submit to court so I did the next day on Thursday and by Friday Judge Bonovita denied it. Judge Bonovita denied me due process



#### IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

mentally unstable due to being kidnapped and thrown in jail. PTSD and going to psychiatrist due to mental illness caused from this situation

#### V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like the court to grant me punitive damages for my personal injuries sustained by your public officials in the amount of \$ 250,000, and I'm asking for all false claims against me be dropped and dismissed without prejudice. I will also like for them to accept my public status as an American state national and not a United State citizen. I have already submitted all status correction paperwork into the clerk of court.

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**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

2-13-2023

Signature of Plaintiff

Printed Name of Plaintiff

Eshanti Larnae Joseph (C)  
Eshanti Larnae Joseph (C) Executor/Administrator

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_